

HOOPER, LUNDY & BOOKMAN, P.C.
1875 CENTURY PARK EAST, SUITE 1600
LOS ANGELES, CALIFORNIA 90067-2517
TEL: (310) 551-8111 • FAX: (310) 551-8181

PATRIC HOOPER (State Bar No. 57343)
E-Mail: phooper@health-law.com
HOOPER, LUNDY & BOOKMAN, P.C.
1875 Century Park East, Suite 1600
Los Angeles, California 90067-2517
Telephone: (310) 551-8111
Facsimile: (310) 551-8181

Attorneys for Defendant
LINDA PARKS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

UNITED STATES OF AMERICA and
THE STATE OF CALIFORNIA, *ex rel.*
SHELBY EIDSON,

Plaintiffs,

vs.

AURORA LAS ENCINAS, LLC,
LINDA PARKS, SIGNATURE
HEALTHCARE SERVICES LLC, and
DOES 1 through 10, jointly and
severally,

Defendants.

CASE NO.: 2:10-cv-1031 JAK (RZx)
(Hon. John A. Kronstadt)

**DECLARATION OF PATRIC
HOOPER IN OPPOSITION TO
RELATOR'S *EX PARTE*
APPLICATION TO MODIFY THE
SCHEDULING ORDER**

Discovery Cut-Off: March 15, 2013
Pretrial Conference: July 10, 2013
Trial Date: July 25, 2013

I, Patric Hooper, declare as follows:

1. I am the attorney of record for Defendant Linda Parks in this matter. I know the facts stated herein to be true of my own personal knowledge and if called upon to testify could and would do so competently.

2. I learned for the first time on March 7, 2013, of the Relator's *Ex Parte* application to modify the scheduling order when I received notice from the court of the electronic filing of the application. Contrary to the requirements of Local Rule 7-19.1, I was given no notice prior to that time by Relator's Counsel. Had I been given such notice, I would have strenuously objected to the application and

1 presumably Relator's counsel would have informed the Court of the opposition in
 2 her declaration in support of the application. I was also under the impression that
 3 the Court would be issuing an order regarding the timing of the filing of any
 4 opposition to the application. Because I have not yet received such an order and
 5 because I do not want my silence to be deemed to be consent to the application, I am
 6 now filing this declaration.

7 3. This case has been pending for more than three years. Before the filing
 8 of the suit, the Relator had been "investigating" the matter for a number of years.
 9 During the time the case was under seal, the Relator presumably had the assistance
 10 of the substantial resources of the federal and state governments to obtain
 11 information. Since the government opted not to intervene and the Relator has been
 12 the plaintiff, she has had more than two years to conduct formal discovery.
 13 Notwithstanding all this time and resources, the Relator waited until the eve of the
 14 discovery cutoff to conduct depositions. For example, she deposed Ms. Parks last
 15 Saturday, March 9, 2013, from noon to about 9 pm. – more than three years after she
 16 sued Ms. Parks.

17 4. As the Court is aware, Ms. Parks remains the only natural defendant in
 18 this case – the other two defendants being artificial entities. Since the suit was made
 19 public and before, the Relator's malicious allegations against Ms. Parks have caused
 20 substantial harm to Ms. Parks' professional reputation and emotional well being.
 21 Now, the Relator wants to delay even further Ms. Parks' opportunity to be heard
 22 concerning the allegations by extending the previously scheduled dates, including
 23 the date of trial. This is especially egregious because Ms. Parks contends the case
 24 against her must be dismissed for the reasons stated in her two pending motions set
 25 to be heard on April 8, 2013. The jurisdictional motion has been bolstered by the
 26 recent depositions in which Relator's counsel had relied almost entirely upon
 27 previously published government survey reports to question witnesses and parties to
 28 try to support her allegations against the defendants. Such reliance further

1 highlights the Relator's lack of personal, independent knowledge of the allegations
2 in her complaint.

3 5. The Relator now wants to bootstrap the allegations she previously
4 heard from other sources contained in her existing action to "fish" for new
5 allegations by requesting the disclosure of hundreds of more patient records.
6 Incidentally, her request for production of additional records expressly precludes
7 giving Ms. Parks the identity of the patients and the records, further depriving Ms.
8 Parks of her opportunity to review evidence being relied upon by the Relator. *See*
9 Page 3 of Relator's Request for Production, set two, lines 14-17.

10 6. As support for her application, the Relator asserts that the initial phase
11 of the discovery "Substantiates Worthless Services Claims." Memorandum at page
12 4. While now is not the time to address the merits of the allegations, not
13 surprisingly, Ms. Parks views the situation quite differently. As pointed out
14 repeatedly, in this false claims action, the Relator has yet to identify a single false
15 claim involving allegedly worthless services. Instead, as she has done from the
16 outset, she refers repeatedly to government reports which describe incidents
17 involving certain patients. As has been pointed out before, notwithstanding these
18 fully inspected incidents, which had been timely reported by the Hospital, itself, the
19 government programs never stopped paying the Hospital for any of the services it
20 rendered during the entire period at issue and continuing to the present. The fact of
21 the matter is that the Relator has established nothing in the way of false claims.
22 And, even her own mother, who worked at the hospital during Ms. Parks' tenure,
23 failed to support her reckless allegation of worthless services during her recent
24 deposition. For example, when asked at her March 1, 2013 deposition whether
25 during her six years at the hospital she knew of any situation where worthless
26 services had been rendered to any patient at the hospital, she responded, over the
27 objection of her counsel, "My Goodness – No." Cabrera Deposition, page 50, lines
28 4 -11.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct.

3 Executed this 14th day of March, 2013, in Los Angeles, California.

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PATRIC HOOPER

HOOPER, LUNDY & BOOKMAN, P.C.
1875 CENTURY PARK EAST, SUITE 1600
LOS ANGELES, CALIFORNIA 90067-2517
TEL: (310) 551-8111 • FAX: (310) 551-8181

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1875 Century Park East, Suite 1600, Los Angeles, California 90067-2517.

On March 14, 2013, I served true copies of the following document(s) described as **DECLARATION OF PATRIC HOOPER IN OPPOSITION TO RELATOR'S EX PARTE APPLICATION TO MODIFY THE SCHEDULING ORDER** on the interested parties in this action as follows:

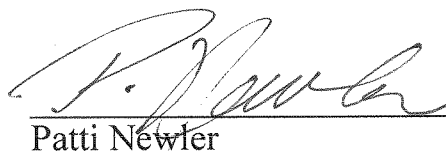
SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hooper, Lundy & Bookman, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 14, 2013, at Los Angeles, California.



Patti Newler

HOOPER, LUNDY & BOOKMAN, P.C.
1875 CENTURY PARK EAST, SUITE 1600
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1875 CENTURY PARK EAST, SUITE 1600
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SERVICE LIST
UNITED STATES OF AMERICA, *ex rel.*, SHELBY EIDSON vs.
AURORA LAS ENCINAS, LLC, *et al.*
Case No. 2:10-cv-1031 JAK (RZx)

<p>4 Colleen Flynn, Esq. 3435 Wilshire Blvd., Suite 2910 Los Angeles, CA 90010 Telephone: (213) 252-9444 Facsimile: (213) 252-0091 E-Mail: colleen_ucsc@hotmail.com</p>	<p>Attorneys for Plaintiff, <i>Shelby Eidson</i></p> <p><i>Via CM/ECF</i></p>
<p>7 Mark A. Kleiman, Esq. 8 Pooja Rajaram, Esq. Law Offices of Mark Allen Kleiman 2907 Stanford Avenue Venice, CA 90292 Telephone: (310) 306-8094 Facsimile: (310) 306-8491 E-Mail: mkleiman@quitam.org prajaram@quitam.org</p>	<p>Attorneys for Plaintiff, <i>Shelby Eidson</i></p> <p><i>Via CM/ECF</i></p>
<p>12 Paula D. Pearlman, Esq. 13 Maria Michelle Uzeta, Esq. 14 Ronald Elsberry, Esq. Disability Rights Legal Center 800 S. Figueroa Street, Suite 1120 Los Angeles, CA 90017 Telephone: (213) 736-1496 Facsimile: (213) 736-1428 E-Mail: paula.pearlman@lls.edu angelica.delira@lls.edu michelle.uzeta@lls.edu ronald.elsberry@lls.edu</p>	<p>Attorneys for Plaintiff, <i>Shelby Eidson</i></p> <p><i>Via CM/ECF</i></p>
<p>19 David Martin Harris, Esq. AUSA, United States Attorney's Office 300 N. Los Angeles Street, Rm. 7516 Los Angeles, CA 90012 Telephone: (213) 894-8817 Facsimile: (213) 894-2380 E-Mail: david.m.harris@usdoj.gov, angela.fiore@usdoj.gov usacac.civil@usdoj.gov</p>	<p>Attorneys for Plaintiff, <i>United States of America</i></p> <p><i>Via CM/ECF</i></p>
<p>24 Alan G. Gilchrist, Esq. The Health Law Partners, P.C. 29566 Northwestern Highway, Suite 200 Southfield, MI 48034 Telephone: (248) 996-8510 Facsimile: (248) 996-8525 E-Mail: agilchrist@thehlp.com</p>	<p>Attorneys for Defendants <i>Signature Healthcare Services, LLC; and Aurora Las Encinas, LLC</i></p> <p><i>Via CM/ECF</i></p>

HOOPER, LUNDY & BOOKMAN, P.C.
1875 CENTURY PARK EAST, SUITE 1600
LOS ANGELES, CALIFORNIA 90067-2517
TEL: (310) 551-8111 • FAX: (310) 551-8181

1 **Debra A. Spicer, Esq.**
Law Office of Debra A. Spicer, P.C.
2 The Penobscot Building
645 Griswold St., Suite 1717
3 Detroit, MI 48226
Telephone: (313) 961-2100
4 Facsimile: (313) 961-2333
E-Mail: dspicer@spicerlaw.com

Attorneys for Defendants
*Signature Healthcare Services,
LLC; and Aurora Las Encinas,
LLC*

Via CM/ECF

5 **Joyce R. Branda, Esq.**
6 **Renee Brooker, Esq.**
7 **Andrew Penn, Esq.**
Ben Franklin Station
U.S. Department of Justice - Civil Division
8 601 "D" Street N.W., Room 9922
Post Office Box 261
9 Washington, DC 20044
Telephone: (202) 305-3071
10 Facsimile: (202) 305-4117
E-Mail: andrew.s.penn@usdoj.gov

Attorneys for Plaintiff,
United States of America

Via U.S. Mail

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